

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 9, 2003**

AGENDA ITEM NO.: 18

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing Regarding Vacating A Portion of Campbell Avenue**

### RECOMMENDATION:

Adopt an ordinance vacating a portion of Campbell Avenue shown as Parcels B, C, and E on a plat dated May 31, 2003, made by Acres of Virginia, Inc.

### SUMMARY:

Lewis T. and Liz T. Falwell have requested that a portion of Campbell Avenue containing 0.204 acre be vacated. The Technical Review Committee conditions have been incorporated into the proposed ordinance.

### PRIOR ACTION(S):

May 20, 2003: Technical Review Committee Review

September 2, 2003: Physical Development Committee Review

### BUDGET IMPACT:

None

### CONTACT(S):

Pat Kost 847-1443/228

Tommy Brooks 528-4674

### ATTACHMENT(S):

- Ordinance
- Map
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF CAMPBELL AVENUE

WHEREAS, the City of Lynchburg, on its own motion, is proposing to vacate a portion of Campbell Avenue; and

WHEREAS, the petitioners own all of the adjoining property; and

WHEREAS, City Council finds that no public inconvenience will result from vacating this portion of public right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of Campbell Avenue be, and the same hereby is, discontinued and vacated, namely:

A portion of Campbell Avenue shown as Parcels B, C, and E on a plat of survey dated revised May 31, 2003, made by Acres of Virginia, Inc., Comm. No. 01711, and more fully described as follows:

Beginning at the southwesterly corner of the intersection of Campbell Avenue and 460 Bypass, thence N 73°28'24"E 7.54 feet to a point, thence N57°17'17"E 71.51 feet to the southeasterly corner of Campbell Avenue and 460 Bypass, thence N27°22'36"W 47.10 feet to a point, thence N36°44'20"W 72.71 feet to a point on the easterly side of Campbell Avenue, thence S63°16'21"W 61.50 feet to a point on the westerly side of Campbell Avenue, thence S24°57'16"E 124.88 feet to the point of beginning, containing 0.204 acre.

Said vacation is contingent upon the following conditions: (1) the installation of a privacy fence (opaque) on Mr. Falwell's property across the width of the roadway to delineate the end of the public street; (2) the erection of a black plastic coated chain link fence with slats across the proposed vacated section of Campbell Avenue to buffer the storage of heavy equipment and supplies from view; (3) repair of the existing chain link fence adjacent to the right-of-way of Campbell Avenue and installation of slats in the fence to shield the storage yard from view; (4) the planting of a vegetative evergreen buffer, minimum four feet in height at planting, on the north side of the site and along the property line of U.S. Route 460; and (5) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

146P



# THE CITY OF LYNCHBURG, VIRGINIA

Planning Division

City Hall, 900 Church Street, P.O. Box 60  
Lynchburg, Virginia 24505 • (434) 847-1508  
FAX • (434) 845-7630

August 19, 2003

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II *Annette Chenault*

RE: Street Vacation – Falwell Property  
Portion of Campbell Avenue  
3923, 3924 Campbell Avenue

On May 20, 2003 the Technical Review Committee (TRC) reviewed the street vacation for a portion of Campbell Avenue. On August 18 I received an e-mail from you asking for the most recent TRC comments in order for you to process your council report/ordinance. Following are those comments:

1. The subject preliminary plat proposes the vacation of a portion of Campbell Avenue. The right-of-way vacation must be reviewed and approved by City Council. Contact Patricia Kost, Clerk of Council, at 847-1443 for further information and an application.
2. All lots fronting on the portion of Campbell Avenue to be vacated have additional right-of-way frontage on Campbell Avenue. Therefore, the Planning Division has no concerns with the proposed vacation.
3. For safety reasons, the City requires some type of delineation to show that the public street stops just before you get to the Falwell property. L.T. Falwell, the property owner, has agreed to install a privacy fence (opaque) to delineate the end of the public street. It is recommended to vacate this portion of the street **only** if the fence is installed. The fence must be installed at the end of the public street (after the vacation) on Mr. Falwell's property across the width of the roadway.
4. Erect a black plastic coated chain link fence with slats across the proposed vacated section of Campbell Avenue to buffer the storage of heavy equipment and supplies from view.
5. The existing chain link fence and a portion of the storage yard located adjacent to the right-of-way of Campbell Avenue is on the street right-of-way. Repair the fence and install slats in the fence to shield the storage yard from view.
6. Plant a vegetative evergreen buffer, minimum four feet in height at planting, on the north side of the site and along the property line of U.S. Route 460.

Attachment

pc: Technical Review Committee

## APPLICATION FOR THE VACATION OF A

(Street/Alley)

LOCATED BETWEEN

ACRES OF VA. INC., THOMAS C. BROOKS, SR.

The undersigned applicant, AGENT FOR: LEWIS T. JR. & LIZ T. FALKHILL  
pursuant to the provisions of Section 51.1-364 of the Code of  
Virginia, 1950, as amended, and Sections 35-71 to 35-77, both  
inclusive, of the Lynchburg City Code, 1981, as amended,  
respectfully makes application to the Lynchburg City Council for  
the vacation of that certain STREET described as follows:

A PORTION OF CAMPBELL AVENUE SHOWN  
AS PARCELS 'B', 'C' AND 'E' AS SHOWN ON A  
PLAT OF SURVEY DATED REVISED MAY 31, 2003  
MADE BY ACRES OF VIRGINIA, INC. COMM.  
NO. 01711.

The applicant further requests the Lynchburg City Council to  
hold a public hearing on this application at its meeting to be  
held in the Council Chamber, City Hall, 900 Church Street,  
Lynchburg, Virginia, on \_\_\_\_\_, \_\_\_\_\_, at 7:30 p.m., or  
as soon thereafter as the matter may be heard, and at the  
conclusion of which hearing to consider whether or not to vacate  
the above described STREET.

Given under my hand this 16<sup>TH</sup> day of JULY,

2003.

ACRES OF VA. INC. THOMAS C. BROOKS, SR.  
Applicant

AGENT FOR: LEWIS T. TR., & LIZ T. FALKNELL

404 CLAY ST. LYNCHBURG, VA. 24504  
Address

(434) 237-5470

Telephone Number

Thomas C. Brooks, Agent



# CAMPBELL AVENUE PARTIAL STREET VACATION

MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



 Subject Street

